

Summary

The Principle of Arbitrary Order with the Accent on Contentious Trial Proceedings

The purpose of my thesis is to analyse the principle of arbitrary order and its role in recent civil-procedure legislation both in the Czech Republic and abroad. The reason for my research is the incessant discussion of experts and the continuing need for amendment of the Civil Procedure Code to ensure a balance between examination of facts and reasonable time of hearing.

The thesis is composed of six chapters. Chapter One is introductory and defines basic terminology used in the thesis, especially the fundamental principles of civil procedure and principles of procedural order. Chapter Two describes historical development of arbitrary order in our country from the Austro-Hungarian Empire. Chapter Three is subdivided into three parts. Part One highlights the most important international-law and constitutional grounds for the current order of the proceedings. Part Two and Three looks at amendments which brought substantial changes to the principle of arbitrary order after 2000. Chapter Four is focused on today's legislation and problems resulting from its ambiguous interpretation. Chapter Five provides a view of foreign legislation and its approach to the selected topic. The chosen jurisdictions are Austria, Germany and Greece. Possible future changes of legislation are recommended in Chapter Six.

The main aim of the thesis is to examine my initial hypothesis that in the present form of the proceedings the principle of arbitrary order is not predominant and the law still cannot sufficiently ensure to reach a fair decision in a reasonable time.